

**AMENDMENT AFTER FINAL
EXPEDITED PROCEDURE
ART UNIT 1632
U.S.S.N. 09/750,779
12013/55202**

REMARKS

Claims 1-70 are pending in the present application. Claims 6, 9, 15, 18, 24, 27, 33, 36, and 43 have been cancelled, claims 1, 3, 4, 7, 8, 10, 16, 17, 19, 20, 25, 26, 28, 29, 34, 35, 38, 39, 44, 45, 47, 49, 50, 52-56, 58, 59, and 61-66 have been amended, and claims 67-70 have been added. In particular, several of the claims have been amended to consistently recite "at least one negatively charged therapeutic agent" to provide proper antecedent basis throughout the claims. Applicants point out, of course, that because the preambles of all the claims recite "comprising" "at least one negatively charged therapeutic agent" includes at least one or more negatively charged therapeutic agents. Furthermore, the preambles of dependent claims 16-17 and 53-55 have been amended to properly depend from claims 10 and 19, respectively. Claims 47, 50, 53, 56, and 59 have been amended to specify that the polynucleotides encode any of the above named proteins "or protein inhibitors" since the claimed therapeutic agents include proteins and protein inhibitors. Added claims 67-70 incorporate the subject matter of cancelled claims 9, 18, 27, and 36, respectively. Accordingly, Applicants submit that these claim amendments raise no new issues, add no new matter, and require no new search and are therefore proper at this stage of prosecution.

The specification of the present application has been amended to contain a priority reference to U.S. Provisional Application No. 60/173,743 in accordance with 37 C.F.R. 1.78 (a)(5). A petition under 37 CFR 1.78(a) has been submitted in the present application.

The Office Action essentially rejected several claims under 35 U.S.C. §112 for claiming "polynucleotides encoding such [therapeutic] agents." Applicants have cancelled any claims which recite this language and therefore believe the present application is in condition for allowance.

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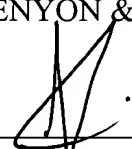
CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application.

It is not believed that any extensions of time or other fees are required in connection with the filing of this response. However, if any fees for extension(s) of time or additional fees are required in connection with the filing of this response, such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON

Dated: Aug 20 2003


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